

1 Bruce G. Macdonald (010355)
2 McNAMARA, GOLDSMITH, JACKSON &
3 MACDONALD
4 1670 E. River Road, Ste. 200
5 Tucson, AZ 85718
6 Tel: 520/ 624-0126
7 Fax: 520/624-9238
8 Email: bgm@mgm-legal.com
9 *Attorney for Plaintiff*

10 Matthew W. Wright (014104)
11 David K. Pauole (021965)
12 HOLM, WRIGHT, HYDE & HAYS PLC
13 10429 S. 51st Street, Suite 285
14 Phoenix, AZ 85044
15 Tel: 480/ 961-0040
16 Fax: 480/961-0818
17 mwright@holmwright.com
18 dpauole@holmwright.com
19 *Attorneys for Defendants*

20 **Additional counsel listed on signature page**

21 **UNITED STATES DISTRICT COURT**

22 **DISTRICT OF ARIZONA**

23 SAVANA REDDING, a minor, by her
24 mother and legal guardian, APRIL
25 REDDING,

No. CIV. 04-265-TUC-NFF

Plaintiff,

v.

JOINT REPORT

26 SAFFORD UNIFIED SCHOOL
27 DISTRICT #1; KERRY WILSON and
28 JANE DOE WILSON, husband and wife;
29 HELEN ROMERO and JOHN DOE
30 ROMERO, wife and husband; PEGGY
31 SCHWALLIER and JOHN DOE
32 SCHWALLIER, wife and husband;

**(Assigned to The Honorable Hector C.
33 Estrada)**

34 Defendants.

1 The parties hereby submit this Joint Report, which, pursuant to this Court's Order
2 dated September 3, 2009, includes the following:

3 1. Counsel have met and conferred regarding the matters discussed in this Joint
4 Report.

5 2. Plaintiff Savana Redding was strip searched by Defendants Peggy Schwallier
6 and Helen Romero, upon the orders of Defendant Kerry Wilson. In June 2009, the U.S.
7 Supreme Court ruled 8-1 that the strip search was unconstitutional and 7-2 that the
8 individual defendants enjoyed qualified immunity for damages stemming from their
9 constitutional violation. The Supreme Court subsequently remanded the case to this
10 Court to adjudicate Savana's *Monell* claim (*i.e.*, should the Defendant School District be
11 responsible for its employees' actions). Savana maintains that she will prove the
12 elements of both claims and that the damages from this strip search are substantial, while
13 Defendants maintain that Savana could not prove her claims and contend that the
14 damages from the strip search are inconsequential.

15 3. At this point—prior to discovery—the parties dispute numerous issues that
16 cannot be narrowed by stipulation. Following discovery, they likely will move for
17 summary judgment or summary adjudication.

18 4. Following discovery, the parties likely will file dispositive or partially
19 dispositive motions regarding whether the search was conducted pursuant to policy,
20 custom, practice, or the act of an employee with final policymaking authority on this
21 issue.

22 5. The parties will attempt to settle this matter through mediation with mediator
23 Chris Skelly. That mediation will take place on December 1, 2009, two days prior to the
24 status hearing before this Court. If the parties settle the case as a result of the mediation,
25 the parties will notify this Court expeditiously.

1 6. There is one related, pending case. When this Court, per Magistrate Judge
2 Fiora's order, rejected Plaintiffs' Fourth Amendment claim, it declined to exercise
3 jurisdiction over the then-pled negligence claim. While the appeal in this action was
4 pending, in order to preserve her state-law claims, Savana filed a complaint in Superior
5 Court (Graham County) against the defendants named in the complaint at bar.

6 7. The parties anticipate conducting discovery in this case. To date, neither party
7 has conducted any discovery, as the only evidence upon which the parties relied in
8 support of and in opposition to defendants' previously filed summary-judgment motion
9 were the parties' affidavits. The parties propose the following discovery deadlines:

- 10 • All written discovery requests must be served by February 25, 2010.
- 11 • Disclosure of all lay witnesses by April 1, 2010.
- 12 • Expert disclosures required by Fed. R. Civ. P. 26(a)(2)(A) and (B) must be served
13 by Plaintiffs no later than May 3, 2010. Expert disclosures required by Fed. R.
14 Civ. P. 26(a)(2)(A) and (B) must be served by Defendants no later than May 19,
15 2010. Plaintiffs must serve rebuttal expert disclosures, if any, no later than June
16 4, 2010.
- 17 • Witnesses, including expert witnesses, may be deposed no later than the discovery
18 completion date of July 23, 2010.

19 8. If the Court imposes the discovery deadlines that the parties request above, the
20 parties suggest the following subsequent deadlines:

- 21 • Dispositive motions: August 12, 2010
- 22 • Joint letter regarding status of settlement discussions: August 19, 2010
- 23 • Pretrial disclosure of witnesses and expert testimony pursuant to FRCP
24 26(a)(2),(3): *See Number 7, supra.*
- 25 • Lodging of proposed joint pretrial order: November 15, 2010

26 9. The parties estimate that a trial would last 7 days. They request that a trial
27 would start on or about December 6, 2010.

28 10. A jury trial has not been requested.

29 11. Prospects for settlement: The parties are participating in a mediation on
30 December 1, 2009. *See Number 5, supra.*

1 Dated: November 24, 2009

s/Bruce G. Macdonald

Bruce G. Macdonald
McNamara, Goldsmith, Jackson & Macdonald
1670 E. River Road, Suite 200
Tucson, AZ 85718
Tel: 520/624-0126
bgm@mgm-legal.com

5 Andrew J. Petersen
6 Humphery & Petersen, P.C.
7 3861 E. Third Street
8 Tucson, AZ 85716
Tel: 520/795-1900
andrew.petersen@azbar.org

9 Adam B. Wolf
10 American Civil Liberties Union Foundation
11 1101 Pacific Avenue, Ste. 333
12 Santa Cruz, CA 95060
Tel: 831/471-9000
awolf@aclu.org

13 s/Matthew W. Wright

14 Matthew W. Wright
15 David K. Paoule
16 Holm, Wright, Hyde & Hays PLC
17 10429 S. 51st Street, Suite 285
Phoenix, AZ 85044
Tel: 480/ 961-0040
mwright@holmwright.com
dpauole@holmwright.com

18 *On Behalf Of All Parties*

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CERTIFICATE OF SERVICE

I, Adam B. Wolf, hereby certify that on November 24, 2009, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Matthew W. Wright
David K. Pauole
Holm, Wright, Hyde & Hays PLC
10429 S. 51st Street, Suite 285
Phoenix, AZ 85044
Tel: 480/ 961-0040
mwright@holmwright.com
dpauole@holmwright.com

Date: November 24, 2009

s/Adam B. Wolf

Adam B. Wolf